

Appendix D

QUESTIONS AND COMMENTS OFFERED AT PUBLIC INFORMATIONAL MEETINGS HELD TO CONSIDER THE PRELIMINARY DRAFT WAUKESHA COUNTY LAND USE PLAN: NOVEMBER AND DECEMBER 1995

Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Brookfield Public Library City of Brookfield City of Muskego City of New Berlin Village of Butler Village of Elm Grove Village of Menomonee Falls Village of Lannon Town of Brookfield	1. The makeup of the Waukesha County Development Plan Advisory Committee provides an indication of the diverse interests which must be recognized in the preparation of the County development plan. The land use element of that plan should be welcomed by communities that are overwhelmed by urban development.	Staff agrees.
	2. How will the land use plans of cities and villages, and subsequent amendments to such plans, be incorporated into the County land use plan?	Land use plans adopted by cities and villages must be incorporated verbatim into the County land use plan and subsequent amendments to such plans would also be included, pursuant to Section 59.97(3) of the Wisconsin Statutes.
	3. How will the County land use plan address rural residential land use, specifically, application of planned unit development, clustering, and transfer of development rights regulatory techniques?	The Waukesha County Development Plan Advisory Committee will consider and examine such techniques to accommodate and regulate development in rural areas. Both conventional and newer, nonconventional, land use plan implementation techniques, such as purchase and transfer of development rights, will be considered in the forthcoming implementation sections of the County land use plan.
	4. Planned employment levels under the preliminary County land use plan are quite high. Affordable housing will have to be an important part of the County development plan, considering the high anticipated future employment levels. Where will affordable housing be encouraged?	The County development plan will recommend that affordable housing be provided within areas having essential urban services, such as public sanitary sewer service, and in proximity to major employment centers. Recommendations will be set forth in the housing element of the County development plan.
	5. How will the County land use plan address stormwater management problems?	The County land use plan cannot directly address stormwater management problems. This must be accomplished through the preparation of detailed community-level stormwater management plans. The County land use plan can, however, serve as a basis for the preparation of the detailed stormwater management plans.
	6. Was the Village of Menomonee Falls land use plan considered in the preparation of the County land use plan?	Yes. The County land use plan included consideration of the Village's land use plan, as well as the currently adopted sanitary sewer service area plan for the Village. Representatives of the Village of Menomonee Falls noted that lands in the northwestern portion of the Village were not envisioned for urban development under the amended Village land use plan. The officials agreed that the proposed development of the area was correctly shown on the preliminary County land use plan map.
	7. After witnessing the extended discussions by the Waukesha County Development Plan Advisory Committee, it is apparent that compromises will probably need to be made in preparing a final County development plan.	Staff agrees.
Delafield Town Hall City of Delafield Village of Chenequa Village of Hartland Village of Merton Village of Nashotah Town of Merton Town of Delafield	1. How does the Lake Country area compare to other subareas of Waukesha County in terms of population, household, and employment levels envisioned under the County land use plan?	Under the preliminary County land use plan, the Lake Country area exhibits the largest absolute increases, among the subareas of the County, in population and household levels and exhibits the second largest increase in employment levels. In addition, the Lake Country area exhibits some of the largest relative increases in population, household, and employment levels compared to those set forth in the Regional Planning Commission's adopted year 2010 land use plan.
	2. What can communities do to reduce the significant increases in population, household, and employment levels inherent in their land use plans?	Communities could consider amending their land use plans to accommodate less urban land use development. Such plans would then be more consistent with current growth trends and better conform to the currently adopted regional land use plan.
	3. Is there any quantification of how much residential development is proposed to occur outside planned sanitary sewer service areas under the preliminary County land use plan?	Yes, such quantification was made on a preliminary basis. When a final County land use plan is agreed upon, the Commission staff will again quantify the levels of residential land use, households, and population envisioned both inside and outside the planned sanitary sewer service areas and will include such information in the plan document.
	4. Is there any way to assess the probability that "buildout" of the County land use plan will actually occur within a specified period of time?	No specific date can be attributed to full implementation, or "buildout," of the County land use plan, because of the variation in plan design dates of community-adopted land use plans. However, buildout levels of population, households, employment, and land use can be compared to the Commission's year 2010 high-, intermediate-, and low-growth projections to lend insight into the length of time necessary for a buildout condition to occur.

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Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Delafield Town Hall (continued)	5. Which municipalities will have to abide by, or "obey," the County land use plan?	Under Section 59.97(3) of the Wisconsin Statutes, "the County development plan shall control in the unincorporated areas of the County and shall incorporate the plans of any city or village that agrees by resolution to having its area included in the County development plan." Therefore, the County land use plan has no "controlling" effect in cities and villages, but does have that effect in towns. Towns share their zoning authority with the County; land use plan implementation is thus a joint county-town function. It is important, in this regard, that the County and towns agree on a land use plan.
	6. Could communities designate rural areas which could be developed with onsite sewage disposal systems using transfer of development rights, assuming it is reasonable and likely that such development would eventually be sewerred?	The Waukesha County Development Plan Advisory Committee will consider and examine such techniques to accommodate and regulate development in rural areas. Both conventional and other more nonconventional land use plan implementation techniques, such as transfer of development rights, will be considered in the forthcoming implementation sections of the County development plan. Through utilization of clustering techniques, it is likely that development undertaken initially with onsite sewage disposal systems could later be economically provided with public sanitary sewer service.
	7. Will the Waukesha County land use plan impact the sewer service area study currently underway for northwestern Waukesha County?	Yes, the areas proposed for urban development in the County land use plan will be an important consideration in the design and evaluation of a final sanitary sewer system plan for the northwestern portion of the County.
	8. Does the level of development envisioned for the eastern tier of communities in the County "take away" from that envisioned for communities in the western part of the County?	No. The forecast population, household, and employment levels in the County land use plan were, to a large extent, based upon the adopted land use plans of communities in the County. Consequently, communities in the western part of the County were given the same consideration with respect to the accommodation of urban development as communities in the eastern part of the County.
	9. The County land use plan should have sound development objectives and recommend the appropriate use of the land in the County under future conditions. Once land use parameters are set forth, developers will know what to expect.	Staff agrees that a good land use plan will set forth a land use development pattern which minimizes fiscal impacts on the public and which has minimal negative impacts on the natural environment, while accommodating forecast increases in population, household, and employment levels. The preliminary County land use plan, within the guidelines set forth under the Wisconsin Statutes, attempts to accomplish these objectives within the County.
	10. The northwestern Waukesha County sewer service area plan would be a benefit to communities in that it would minimize possibilities for mound system development in that part of the County.	While the sewer service area plan cannot dictate where conventional or mound onsite sewage disposal systems can or cannot be used, the plan will identify areas where centralized public sanitary sewerage systems may be needed, including areas which may have already been developed with conventional or mound systems. In such cases, implementation of the sewer service area plan would indeed eliminate the need for conventional and mound type onsite sewage disposal systems.
Summit Town Hall City of Oconomowoc Village of Lac La Belle Village of Oconomowoc Lake Town of Oconomowoc Town of Summit	1. What rights will people have if areas currently zoned for residential use on two-, three-, and four-acre lots are recommended to be zoned for minimum lot sizes of five acres or larger to implement the County land use plan?	Owners of existing parcels of record smaller than five acres in area would in any case be permitted to use their land in the same manner as permitted under the existing zoning. Any new divisions of land after adoption of zoning ordinance amendments pursuant to the plan would be regulated by the new zoning provisions.
	2. In the City of Oconomowoc land use plan, areas south of the City and north of CTH DR, in the Town of Summit, were envisioned to remain in prime agricultural use so that such areas would remain undeveloped until public sanitary sewer service could be extended. Accommodating three-, four-, or five-acre lots in that area would probably result in their development at suburban-density, using onsite sewage disposal systems. The area would be difficult and expensive to provide with public sanitary sewer service within the 15- to 20-year time frame of the City's land use plan. The position of the City of Oconomowoc with respect to future development south of the City and north of CTH DR is to "hold" the land in agricultural use until it is ready to develop with public sanitary sewers at low- and medium-density residential use rather than accommodate suburban- and rural-density development now.	The area south of the City of Oconomowoc within the Town of Summit did not meet the Waukesha County Development Plan Advisory Committee criteria for prime farmland; it thus was not designated as prime farmland on the preliminary County land use plan map. The area was, however, designated for other agricultural and rural residential use at a density <i>not to exceed</i> one dwelling unit per five acres.

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Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Summit Town Hall (continued)	3. Land use planning efforts currently being undertaken by the Town of Summit include the promotion of cluster development so that new unsewered developments can be more easily provided with public sanitary sewer service should it become possible or necessary to provide such service in the future.	All communities are encouraged to consider the use of cluster development provisions where appropriate. The Waukesha County Development Plan Advisory Committee will consider and examine such techniques to accommodate and regulate development in rural areas. Both conventional and other more nonconventional land use plan implementation techniques, such as cluster development in rural areas, will be considered in the forthcoming implementation sections of the County development plan.
	4. A revised draft development plan for the Pabst Farms area has been prepared with cooperation from the Town of Summit and the Town's planning consultant. The City of Oconomowoc and the Town of Summit will have to resolve their differences with respect to the Pabst Farms area in order for building to start within three to five years. "Buildout" of the plan for the area is envisioned to take 20 to 25 years.	The revised draft development plan for the Pabst Farms area presented at the meeting does not appear to differ significantly, in the scope of development proposed, from that included in the draft County land use plan. Any change to the County land use plan for that area, as a result of the revised Pabst Farms plan, would, however, have to be reviewed by the Waukesha County Development Plan Advisory Committee prior to being included in the final County land use plan.
	5. Property taxation policies with respect to agricultural areas are unfair, with agricultural land being taxed for residential or other urban uses, especially agricultural land in proximity to the proposed STH 16 bypass. Is there any possibility that farmland could be taxed for its current use?	In the past, property has generally been assessed according to its market value, taking into account the "highest and best use." Since zoning can be changed, assessors generally do not assume that agricultural zoning precludes the sale and use of land for urban purposes. The Wisconsin Farmland Preservation Program provides tax relief in the form of State income-tax credits to participating farmers, but has not resolved the problem of high assessments on farmland in urbanizing counties. The Regional Planning Commission has long recommended that property-tax policies be changed so that farmland must be assessed strictly for its agricultural use and not on its speculative value for urban uses. In 1995, the State of Wisconsin enacted legislation intended to provide property-tax relief to owners of agricultural land by requiring farmland to be assessed on the basis of its value for agricultural use, known as "use-value assessment." Agricultural use value assessments are to be phased in by municipal assessors over a ten-year period beginning in 1998.
	6. The Town of Summit is concerned about claims and judgements for regulatory "takings" if zoning changes implemented as a result of the County land use plan are more restrictive than zoning currently in place in the Town.	Local land use regulations have generally been upheld by the Federal and State courts when a government exercise of police power, through a zoning ordinance, is reasonably necessary to the effectuation of a legitimate public purpose. Lot area requirements directly impact the demand for new roads and roadway improvements; public services such as sewerage, water supply, and police and fire protection; and schools. In addition, lot area requirements directly affect the natural environment. These are legitimate public interests, and land use regulations promoting such interests have been upheld by the courts. However, land use regulations which deprive an owner of all <i>reasonable beneficial use</i> of his property or fail to advance a legitimate public purpose have generally been invalidated by the courts.
Commission Offices City of Waukesha Village of Pewaukee Town of Pewaukee Town of Waukesha	1. The Town of Waukesha adopted a land use plan in 1994. Why was the Town's land use plan not included in the County land use plan?	The Commission staff and the Waukesha County Development Plan Advisory Committee completed their inventory of community plans and land use regulations on November 3, 1994. The Town of Waukesha Land Use Plan was subsequently adopted on November 14, 1994. Between that time and September 1995, when the Commission staff was completing work on the preliminary draft County land use plan, neither Committee members nor Commission staff had been made aware that the Town of Waukesha had completed and adopted a land use plan. The Commission staff will, however, review the Town's land use plan for consistency with the Advisory Committee-approved objectives and standards, as well as its relationship to the City of Waukesha's extraterritorial planning area as it affects the Town, and report their findings to the Committee.
	2. How can a community require preservation of prime agricultural lands without allegations or judgements of "takings"?	There is no guarantee that any community implementing land use regulations to preserve prime agricultural land will not be challenged in the judicial system. However, a strong basis for such regulations, such as that provided by the forthcoming Waukesha County development plan, would strengthen the position that a legitimate public purpose was being advanced through regulations to preserve farmland and open space.
	3. What would motivate a community or a local elected official to "downzone" land, or impose more restrictive zoning?	Elected officials should be motivated to impose more restrictive zoning when such actions serve the broader public interest within their constituency.

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Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Commission Offices (continued)	4. Town land use plans adopted pursuant to Section 62.23 of the Wisconsin Statutes should be treated the same as city and village plans adopted under the same statutory provision. At a minimum, the Waukesha County Development Plan Advisory Committee should give at least some credence to town plans.	Town plans have indeed been given equal consideration with city and village plans in preparation of the draft County land use plan. However, some of the town plans are clearly inconsistent with the County development objectives. Such plans were modified to be consistent with County development objectives prior to inclusion in the County land use plan. The Advisory Committee is not ignoring town plans, nor have they given such plans less consideration than city- or village-adopted land use plans. Indeed, there were cases where town-proposed land uses were represented in the County land use plan, rather than city or village-proposed land use, where the town plan was found to be consistent with the County development objectives.
	5. If the County development plan is adopted, how will zoning ordinance amendments in towns be affected?	Ultimately, any zoning changes will have to be approved by both the County and the towns concerned. If the County and a town cannot agree, the existing zoning remains in effect. It will thus be necessary for the County staff and the towns to work together on land use planning issues if the County land use plan is to be implemented.
	6. The Waukesha County Park and Planning Commission needs a County development plan as a basis for zoning decisions; the land use element will enable the County to be more consistent with respect to land use decision-making.	Staff agrees.
Ottawa Town Hall Village of Dousman Village of Eagle Town of Eagle Town of Ottawa	1. What is considered "urban development" in the County land use plan?	Any intensive urban uses such as commercial, industrial, and institutional development and residential development occurring at a dwelling unit density greater than one unit per five acres is considered to be urban development under the preliminary County land use plan.
	2. How did the Waukesha County Development Plan Advisory Committee arrive at the "less restrictive" five-square mile block size criterion for prime agricultural land?	After much debate and consideration of analyses provided by the Commission staff, the Advisory Committee determined that much of the farmland in blocks less than five square miles in area were no longer economically viable farmlands. It was determined that the farmland in blocks of five square miles and larger has experienced less intrusion by residential subdivisions and would have available agribusiness support services near by; it would thus be the most feasible for retention in agricultural use.
	3. The proposed annexation and development of the Klussendorf Farms area, adjacent to the Village of North Prairie, is an example of how County land use planning can be circumvented. Annexation to a city or village to avoid town or County zoning represents a serious loophole and an impediment to the implementation of the County land use plan.	Annexation is indeed a loophole which can be used by landowners and developers to avoid land use regulation in unincorporated areas. Given the existing statutory framework in Wisconsin, little can be done to stop this practice. With respect to the Klussendorf Farm, it should be noted that the Village of North Prairie is not equipped to provide urban services to any significant degree better than is the Town.
	4. Instead of accommodating such large developments, like that envisioned for the Klussendorf Farm, which could cost taxpayers millions of dollars for new schools, improved roads, and other public infrastructure, it may be more cost-effective simply to purchase the development rights and keep the farm in agricultural use.	Staff agrees.
	5. The Town of Eagle has expended a significant amount of time and money in their land use planning efforts. The Town of Eagle Board of Supervisors is concerned that the Town's plan was not included in the County land use plan.	The Town of Eagle land use plan was considered in the preparation of the preliminary draft County land use plan. The Town of Eagle land use plan, contrary to the Committee-approved County development objectives, provides for a large amount of urban residential development in the Town without public sanitary sewerage service. Thus, in the course of drafting the preliminary County land use plan, some modification to the Town's plan was necessary. The Advisory Committee cannot, in good conscience, ignore the application of the Countywide development objectives in selected areas of the County, such as the Town of Eagle. In addition, the preliminary County land use plan, in accordance with the Wisconsin Statutes, took into account the Village of Eagle plans for the extraterritorial planning jurisdiction of the Village. The Village plan envisioned lands adjacent to, and within one and one-half miles of, the Village limits to remain primarily in exclusive agricultural use.
	6. Some of the areas identified in the County land use plan as prime agricultural land do not contain Class I, II, or III soils, and thus cannot reasonably be considered prime farmland. Other areas are comprised mainly of Class III soils and are marginally suitable for consideration as prime farmland.	The Commission staff utilized the soils information from the detailed operational soil surveys prepared by the U. S. Natural Resource Conservation Service. The Commission staff will reexamine the soils information utilized in the identification of prime agricultural areas and confirm that the appropriate soil types were utilized in the analysis of such areas. It should be noted, however, that only 50 percent of each farm unit 35 acres or greater in size must be comprised of Class I, Class II, or Class III soils to meet the Committee-approved criteria for classification as prime agricultural land.

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Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Ottawa Town Hall (continued)	7. The soil interpretation criteria are periodically updated by the U. S. Soil Conservation Service, as the Natural Resource Conservation Service was once known. Did the Commission staff utilize such updated criteria in identifying prime farmlands?	The Commission periodically receives updated soil interpretations from the U. S. Soil Conservation Service. The Commission staff utilized the most recent soils information available to identify the prime farmlands shown on the Waukesha County land use plan map.
	8. Why was the Town of Eagle not asked for its input to the County land use plan until this point in the process?	It is often very difficult to comment on a proposed land use plan, such as the County land use plan, before it is presented in draft form. The series of meetings held at the direction of the Advisory Committee presented the earliest opportunity for communities in the County to review a draft County land use plan. With respect to direct Town involvement in preparation of the County land use plan, the Waukesha County Executive, who appointed the members of the Advisory Committee directing the staff in the preparation of the County development plan, considered having an advisory committee with representatives from each of the 37 communities in Waukesha County. Such a large committee, he concluded, would be unworkable and likely to impede progress on development of a County land use plan. Therefore, a smaller advisory committee was appointed, with representatives selected from cities, villages, and towns in the County.
	9. How will the County land use plan recommend protection of environmental corridors?	Surface waters are in public ownership; floodlands and wetlands are protected under State and Federal regulations. Such areas comprise most environmental corridor lands. The remaining areas will be recommended to be zoned for conservancy, recreational, or rural residential use at densities not to exceed one dwelling unit per five acres. Such open space uses or low-density development will maintain the integrity of the natural resource features within the environmental corridors.
	10. A large amount of land in the Town of Eagle is State-owned and, as a result, a relatively high property-tax burden is imposed on Town residents. Wouldn't implementing the County land use plan, which minimizes new development, serve to increase the Town's property-tax burden?	<p>The property tax rate in the Town of Eagle, as described in Chapter II of the County development plan, is relatively low compared to that in other areas of Waukesha County. In addition, the Town receives payments in lieu of taxes from the State of Wisconsin for those State-owned lands located within the Town.</p> <p>Fiscal impact studies have consistently shown that residential land uses generate more costs than revenues. The combination of expenditures for general government, public safety, public utilities, transportation facilities, and education connected with residential land uses have been determined to exceed corresponding revenues from property taxes, state aids, permit fees, and other local sources by 5 to 25 percent. However, expenditures for providing services to commercial and industrial, and especially farmland and open space land uses, range from about 20 to 50 cents for every corresponding dollar of revenue generated. Therefore, implementation of a town land use plan enabling substantial growth in the amount of lower-density residential land use may be expected to have a detrimental effect on low property-tax rates in the Town.</p>
Mukwonago Village Hall Village of Big Bend Village of Mukwonago Village of North Prairie Village of Wales Town of Genesee Town of Mukwonago Town of Vernon	1. Why do the County land use plan population, household, and employment levels exceed the Regional Planning Commission's 2010 forecast levels? Are they unrealistically high?	The Commission-forecast year 2010 population, household, and employment levels did not serve as a basis for preparation of the County land use plan. Owing to the requirements of the Wisconsin Statutes, duly adopted local land use plans, rather than Commission forecasts, were a major determinant of the amount of land allocated to various major land use categories. The population, household, and employment levels in the preliminary County land use plan were derived from the acreage of major land use categories specified in local plans, rather than vice versa. As a result, the levels of growth inherent in the adopted land use plans of cities, villages, and towns within Waukesha County significantly exceed the Commission's year 2010 forecast. The County land use plan population, household, and employment levels are indeed unrealistically high, even when compared to the regional year 2010 high-growth forecasts. It is important to note that a "target" date was not attributed to the County land use plan. It is safe to say, however, that the population, household, and employment levels envisioned under the preliminary County land use plan will not be attained for many decades.
	2. Are the areas shown on the County land use plan map for extractive use zoned for such use at this time?	Not necessarily. The areas designated on the County land use plan map for extractive use are those lands currently owned or leased by mineral extraction operators in the County. These are lands which the extractive operators consider to have good potential for future mining of nonmetallic mineral resources and they will be recommended under the County development plan to be protected for that purpose.
	3. What is the process of zoning ordinance amendments in unincorporated areas to implement the County land use plan?	Some of the zoning to implement the County land use plan is already in place, particularly with respect to the environmental corridor areas, which may be included within upland or lowland conservancy zoning districts. Other portions of the County would, however, require zoning ordinance amendments to implement the County land use plan. Ultimately, any zoning changes will have to be approved by both the County and the towns. If the County and a town cannot agree, the existing zoning remains in effect. It will thus be necessary for the County staff and the towns to work together on land use planning issues.

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Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Mukwonago Village Hall (continued)	4. Is there any flexibility in the County land use plan for landowners who may be intent on selling their farmland for retirement or other income?	The County land use plan is not a regulatory document, but, rather, serves as a guide to communities and the Waukesha County Board of Supervisors in making land use decisions. Therefore, a degree of flexibility is inherent in the County land use plan, in that the plan does not force decision-making officials to take any one particular course of action, but rather sets forth a proposed course of action for County decision-makers to consider.
	5. I have submitted, and received approval for, a preliminary plat for an area depicted as rural residential on the preliminary County land use plan. What position does the County land use plan put me in with respect to that area?	A preliminary plat, once approved, is essentially a commitment from the municipality concerned to allow the proposed development to proceed. The area in question will be represented in the County land use plan at an appropriate residential density consistent with the preliminary plat.
	6. Is the Waukesha County Development Plan Advisory Committee willing to accept comments from private citizens?	Certainly. Any comments received in writing at the Commission offices will be transmitted to the Advisory Committee. In addition, a summary of questions and comments from each of the seven public informational meetings held to consider the preliminary draft County land use plan will be transmitted to the Advisory Committee.
	7. I am a farmer and landowner and have been unable to obtain any consistent and concrete explanation as to what prime farmland really is and how it is delineated on a map.	The Advisory Committee directed that three basic criteria be used to identify prime farmland for the County land use plan: 1) the farm unit must be at least 35 acres in area, 2) at least 50 percent of the farm unit must be covered by soils which meet U. S. Soil Conservation Service standards for national prime farmland or farmland of statewide importance (Class I, II, III soils), and 3) the farm unit must be located within a block of farmland at least five square miles in area. Except for the block size criterion, these are the same criteria that have been utilized by the Regional Planning Commission to identify prime farmland for about 30 years and were also the same criteria used to identify prime farmlands in the Waukesha County Agricultural Land Preservation Plan adopted by the County in 1984.
	8. How can an area be considered "prime farmland" if it is surrounded or "broken up" by subdivisions?	Most likely, such areas cannot, as a practical matter, be considered prime farmland under the County land use plan. The configuration of prime agricultural land shown on the preliminary County land use plan map included consideration of recorded plats as of June 1995. If there were plats recorded subsequent to that date, or if a community had approved a preliminary plat within areas identified as prime agricultural land, the delineation of prime agricultural lands will be reevaluated. It is thus important for communities to provide the Commission staff such information, since such "committed" developments may have the effect of "breaking up" the five square mile blocks of prime agricultural land. If broken up, such areas would no longer meet the criteria for designation as prime agricultural land.
	9. What is the time frame and steps for completing the planning process before the County development plan is put into force?	The Waukesha County Development Plan Advisory Committee will meet early in 1996 to consider comments and changes to the preliminary draft County land use plan as a result of the comments received at the seven public informational meetings held throughout the County. The Committee will also consider additional information provided to the staff by communities and County residents subsequent to the informational meetings. Once the Committee approves the land use plan, the staff will prepare housing, transportation, and park and open space elements for Committee review and approval. The entire Waukesha County development plan will then be transmitted to the County Park and Planning Commission, then to the County Board of Supervisors, who will ultimately act on adoption of the development plan. The amount of time necessary for all of these events to occur is unknown; however, the Waukesha County Board of Supervisors is anxious to complete the process in a timely manner.
	10. What will be the ultimate disposition of the areas shown on the County land use plan map for rural residential and other agricultural use? Comparing the preliminary County land use plan to what is now zoned for one- and two-acre lots, how many dwelling units are conceptually "removed" from development under the County plan?	Lands on the County land use plan map designated for rural residential or other agricultural use are intended to remain in agricultural use or in very low-density residential use at overall densities not exceeding one dwelling unit per five acres of land. Thus, there is no intent that these areas eventually be developed at higher densities under "buildout" of the County land use plan, whenever that may be. The Commission staff determined that the "white" areas on the County land use plan designated for rural and other agricultural use would accommodate 13,500 households, which is one fifth of the number of households that could be accommodated if development were to proceed at a density of one dwelling unit per acre.
	11. There are some areas shown as prime farmland on the preliminary County land use plan map, at the borders of the County, that are obviously less than five square miles in area. Why?	Those areas are part of larger blocks of prime farmland five square miles or larger in area which extend beyond the borders of Waukesha County, into Jefferson, Racine, Walworth, and Washington Counties.

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Mukwonago Village Hall (continued)	12. Theoretically, if you had a block of prime agricultural land and a new subdivision was platted within it, could that new subdivision cause a change in the classification of prime agricultural land?	Yes, if the subdivision in question had the effect of breaking up a five square mile block of farmland. This is exactly what has been happening throughout Waukesha County for the past 35 years.
	13. The Klussendorf Farms consists of about 500 acres of agricultural land located west of the Village of North Prairie. The property owner has petitioned for annexation by the Village of North Prairie in order to simplify and expedite rezoning to permit residential use on one-acre lots. Has any thought been given to how the County development plan could prevent large annexations to avoid County or town zoning and possibly encourage other options?	Yes, thought has been given to this topic. However, there are few options for preventing property owners from petitioning for annexation. The County land use plan will probably present information and recommendations concerning innovative implementation techniques, such as rural clustering and transfer of development rights, which provide some possibilities for developing rural land, without rezoning it, to accommodate small residential lots.
	14. As a member of the Waukesha County Development Plan Advisory Committee, I can assure you that none of the decisions made by the Committee were arrived at easily. Committee members had to stop thinking about themselves individually and consider the interests of County citizens as a whole. Even though the County will eventually be developed, the Committee must consider the enormous fiscal impacts of development and "bite the bullet" with respect to suggesting ways to control development in order to minimize those impacts.	No response
	15. If it is in the public interest to limit or control development, then shouldn't farmers and landowners, who have long paid higher property taxes to keep the land in agricultural use, be compensated in some regard by the public?	The Regional Planning Commission recommended to the State Legislature 30 years ago that agricultural land be taxed fairly according to current use, not the "highest and best" use. The County development plan will also include information on the costs of purchase of development rights as a possible implementation technique for the County land use plan. In 1995, the State of Wisconsin enacted legislation intended to provide property-tax relief to owners of agricultural land by requiring farmland to be assessed based on its value for agricultural use, known as "use=value assessment." Agricultural use value assessments are to be phased in by municipal assessors over a ten-year period beginning in 1998.
	16. What happens if the Village of Mukwonago refuses to change the extraterritorial portion of their land use plan, which extends into the Town of Vernon?	The Commission staff will meet with Village officials to explain the rationale for planned land use in the County land use plan. If the Village does not agree with proposed land uses in the extraterritorial area, then the extraterritorial portion of their adopted land use plan must be included, as is, in the County land use plan.
Lisbon Town Hall Village of Sussex Town of Lisbon	1. When will the Waukesha County development plan be completed?	The Waukesha County Development Plan Advisory Committee will meet early in 1996 to consider comments and changes to the preliminary draft County land use plan as a result of the comments received at the seven public informational meetings held throughout the County, as well as additional information provided to the staff subsequent those meetings. Once the Committee approves the land use plan, the staff will prepare housing, transportation, and park and open space elements for Committee review and approval. The entire Waukesha County development plan will then be transmitted to the County Park and Planning Commission, then to the County Board of Supervisors, who will ultimately act on adoption of the development plan. The amount of time necessary for all of these events to occur is unknown; however, the Waukesha County Board of Supervisors is anxious to complete the process in a timely manner.
	2. What would be the legal status of the County development plan, when adopted?	Under Section 59.97(3) of the Wisconsin Statutes, County development plans, strictly defined, are applicable only in the unincorporated areas of the County. As is true of any plan, however, the plan will be an advisory document. Towns share their zoning authority with the County, regardless of whether or not a town has been granted village powers. Land use plan implementation will thus have to be a joint county-town function. It is important, in this regard, that the County and towns agree on a land use plan.
	3. How do land use plans affect zoning? Will people have the right to subdivide their land?	The development plan is a public policy document, not a police power ordinance, intended to serve in an advisory manner as a basis for making development decisions. In that sense, it should serve as a basis from which land use regulations are formulated and applied. Property owners will still have a right to subdivide their land within the provisions of the zoning ordinance.

Appendix D (continued)

Meeting Location and Communities Involved	Questions and Comments	Regional Planning Commission Staff Response
Lisbon Town Hall (continued)	4. We are all interested in establishing parameters for growth and controlling that growth in Waukesha County. In order to do this more effectively, however, annexation laws need to be changed. Too often, land is annexed from a town to an incorporated municipality to avoid County or town land use regulations or to obtain public sanitary sewer service.	Some communities which own and operate public sewage treatment plants require annexation as a condition for providing public sanitary sewer service. However, some towns in Waukesha County have established sanitary districts and have been able to obtain public sanitary sewer service from adjacent incorporated areas without the requirement that they be annexed. Unfortunately, annexation is sometimes used by landowners and developers as a means of avoiding more restrictive zoning and planning requirements.
	5. Recommending that all new development to be served with public sanitary sewer service has the same effect as encouraging growth, primarily in areas where sewer service is available.	That is true. The plan encourages growth in areas envisioned to be provided with public sanitary sewer service. Such growth is consistent with the County development plan objectives, which seek to accommodate new development where the financial costs to the public as a whole will be minimized and where negative impacts on the natural environment are minimized.
	6. How can the County land use plan tell a farmer he or she cannot subdivide their land? That's not real, the County ought to offer a reduced property-tax on prime farmland and should assess agricultural land for its current use, not for its potential urban uses!	The Regional Planning Commission recommended to the Wisconsin Legislature 30 years ago that farmland be assessed and taxed based upon its current use, as farmland, not for its potential urban uses. The Legislature instead chose to enact an income-tax credit for farmers, which has been a relatively ineffective form of tax relief for farmers in urbanizing areas. In 1995, the State of Wisconsin enacted legislation intended to provide property-tax relief to owners of agricultural land by requiring farmland to be assessed on the basis of its value for agricultural use, known as "use-value assessment." Agricultural use value assessments are to be phased in by municipal assessors over a ten-year period beginning in 1998. The Waukesha County Development Plan Advisory Committee will consider such means as the purchase of development rights to implement the preservation of areas shown on the County land use plan map as prime farmland in a fair manner. In any case, property owners will have the right to subdivide their land within the provisions of the zoning ordinance, and such ordinances in Waukesha County are joint town-county ordinances.
	7. Purchase of development rights is being encouraged by the County in the Towns of Oconomowoc and Vernon on an owner-to-owner basis, whereby one property owner desiring that land be preserved in open space or agricultural use would purchase development rights from his or her neighbor owning farmland or open space. Several such agreements are actually in place; the land under one such agreement is being farmed.	Some towns in Waukesha County realize that there are high costs associated with development and actively pursue preservation of prime agricultural land and the maintenance of the rural character of their community.
	8. Wisconsin Department of Industry, Labor and Human Relations (DILHR), after July 1, 1998, the Department of Workforce Development, administrative rules pertaining to mound-type onsite sewage disposal systems open up more marginally developable lands. How can the use of these systems be controlled?	Making every acre of land in Wisconsin developable through use of continually new and improved "mound" systems is not necessarily in the public interest. If mound-type development is to be controlled, it will have to be controlled at the local level through the exercise of planning and zoning authority.
	9. My land, located in the northwest portion of the Town, was designated as prime farmland on the County land use plan map. Large portions of that land are rolling and rocky; they really should not be considered prime farmland.	The Commission staff will reexamine your parcel to determine if, in fact, it meets the criteria to designated as prime agricultural land on the County land use plan map. Included in this reexamination will be a review of the soils which comprise your farm, as well as an examination of the total area in the Town of Lisbon and adjacent towns being farmed, to see if it meets the criterion specifying that prime agricultural lands must encompass a farmland block at least five square miles in area.
	10. Lancaster County, Pennsylvania, has established a land preservation trust, which uses tax revenue and donations from the public to purchase development rights for preservation of farmland and open space. The County development plan should set forth estimates of the costs of implementing such a program in Waukesha County.	The Waukesha County Development Plan Advisory Committee will consider the use of purchase of development rights to implement the preservation of areas shown on the County land use plan map as prime farmland. The staff will provide a cost estimates for the public purchase of such development rights in accordance with the plan.
	11. The Town of Lisbon land use plan could reasonably accommodate new residential development in the southwestern portion of the Town, west of the Village of Sussex. That area is the most developed portion of the Town and prime agricultural lands in the area are very marginal, being minimally economical to farm.	The Commission staff and the County staff have recommended that the Town of Lisbon reexamine its recently completed land use plan and submit another draft land use plan that would accommodate some "infill" residential development in areas of the Town which have already experienced significant low-density residential development and maintain the balance of the Town in agricultural or rural residential use. Such a plan would probably receive more favorable consideration by the Waukesha County Development Plan Advisory Committee than the current Town plan which envisions complete development of the Town using one-acre lots.